



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,154	08/27/1999	DONALD SPECTOR	4021.122	7440

7590

08/13/2002

Keith D. Nowak
Lieberman & Nowak, LLP
350 Fifth Avenue
New York, NY 10118

EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 08/13/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

2m

Office Action Summary

Application No.

09/384,154

Applicant(s)

SPECTOR, DONALD

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-8 are canceled and new claims 9-19 are added for examination.
2. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.
3. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen et al. (US 6,014,090).
4. Rosen et al. was cited by examiner in PTO-892 (paper # 4).
5. As to claim 9, Rosen et al. disclose the invention as claimed, including a network for targeting an individual operating a microcomputer in order to offer to supply the individual with appropriate goods or services available at a place within reach of the individual's present location (col. 1, lines 47-56); said network comprising:
 - means associated with the microcomputer (col. 3, lines 35-39) to microwave-link (140, fig. 1) the microcomputer to an Internet highway (100, fig. 1; col. 2, lines 46-47);
 - means associated with the microcomputer to indicate the individual's present location (col. 3, lines 3-12);

means to convey over the microwave link from the microcomputer to a web site on the Internet highway, the identification of the individual and his present location (col. 3, lines 3-20; col. 4, line 5-18);

means at the web site storing the profiles of a multitude of individuals who are consumers of the goods or services to determine from the profiles of individuals whose address has been forwarded to the web site, which goods or services are appropriate to this individual and are available at a place reachable from his present address (col. 5, lines 59-67; col. 6, lines 1-4); and

means to convey from the web site to the microcomputer an offer to supply said appropriate goods or services (col. 4, lines 5-18).

6. Rosen et al. do not specifically disclose providing his full address. However, Rosen et al. disclose the geographic location device (132, fig. 1) can be a global positioning system (GPS) receiver (col. 3, lines 8-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include his full address in Rosen et al's system because GPS receiver is well known to provide an address, name and location of a user by receiving signals from the GPS satellite system.

7. As to claims 10 and 11, Rosen et al. disclose microwave-linked (440, fig. 4) is provided by a radio transceiver (431, fig. 4) and present location is indicated by a GPS receiver (434, fig. 4; col. 3, lines 3-12).

8. As to claim 12, Rosen et al. do not specifically disclose an e-mail address that identifies the individual. However, Rosen et al. disclose the user identifier (col. 4, lines 66-67; col. 5, lines 1-5) that may be the user's name, the user's home or business address and the user's e-mail address. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the e-mail address in Rosen et al's system because this would provide for delivering a message or information to the customer electronically.

9. As to claim 13, Rosen et al. disclose said profiles are stored in a data bank (112, fig. 1; col. 5, lines 59-67; col. 6, lines 1-4).

10. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen et al. (US 6,014,090), as applied to claims 9-13 above, further in view of Roberts et al. (US 6,101,486).

11. As to claims 14-16, Rosen et al. disclose the invention substantially as claimed in claims 1-12 above. However, Rosen et al. do not specifically disclose the analyzing the profiles; and identify the potential customers for various goods or services.

12. Roberts et al. the profiles are analyzed by a programmed computer to determine

Art Unit: 2154

which goods or services are appropriate (col. 6, lines 60-67; col. 7, lines 1-9); identify individuals who are potential customers for various goods or services (col. 6, lines 62-64).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rosen et al. and Roberts et al. because determining potential customers by analyzing the customer's profile in Roberts et al. would reduce the amount of unwanted information by allowing the customers to receive advertising which is relevant to their particular purchasing habits.

14. Applicant's arguments with respect to claims 9-16 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:00-4:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
August 9, 2002


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100